

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE BILL 1430

AN ACT

AMENDING SECTIONS 8-803, 8-807, 8-822 AND 8-823, ARIZONA REVISED STATUTES; AMENDING SECTION 8-537, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003, SECOND SPECIAL SESSION, CHAPTER 6, SECTION 9; AMENDING SECTION 8-537, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003, SECOND SPECIAL SESSION, CHAPTER 6, SECTION 10; AMENDING SECTION 8-844, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 10, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3016.01; RELATING TO CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-803, Arizona Revised Statutes, is amended to
3 read:

4 8-803. Limitation of authority; duty to inform

5 ~~A. Upon initial contact with a parent, guardian or custodian under~~
6 ~~investigation pursuant to this article, a child protective services worker~~
7 ~~shall inform the family that the family is under investigation by the~~
8 ~~department, shall inform the parent, guardian or custodian of the specific~~
9 ~~complaint or allegation made against that person and shall make clear that~~
10 ~~the worker has no legal authority to compel the family to cooperate with the~~
11 ~~investigation or to receive protective services offered pursuant to the~~
12 ~~investigation. The worker shall inform the family of the worker's authority~~
13 ~~to petition the juvenile court for a determination that a child is dependent.~~
14 ~~The worker shall inform the parent, guardian or custodian of that person's~~
15 ~~right to participate in the mediation program in the attorney general's~~
16 ~~office, to file a complaint with the ombudsman-citizens aide pursuant to~~
17 ~~section 41-1376 and to appeal determinations made by child protective~~
18 ~~services. The worker shall provide the telephone numbers of these state~~
19 ~~agencies. The worker shall supply the information prescribed in this~~
20 ~~subsection and information outlining parental rights under the laws of this~~
21 ~~state in writing and shall make all reasonable efforts to receive written~~
22 ~~acknowledgment from the parent, guardian or custodian.~~

23 A. ON INITIAL CONTACT WITH A PERSON WHO IS UNDER INVESTIGATION
24 PURSUANT TO THIS ARTICLE, THE CHILD PROTECTIVE SERVICES WORKER MUST INFORM
25 THAT PERSON OF ALL OF THE FOLLOWING AND MUST MAKE ALL REASONABLE EFFORTS TO
26 RECEIVE WRITTEN CONFIRMATION THAT THE PERSON UNDER INVESTIGATION RECEIVED
27 THIS INFORMATION:

28 1. THAT THE PERSON IS UNDER INVESTIGATION BY THE DEPARTMENT.

29 2. THE SPECIFIC COMPLAINT OR ALLEGATION MADE AGAINST THE PERSON.

30 3. THAT THE WORKER HAS NO LEGAL AUTHORITY TO COMPEL THE PERSON UNDER
31 INVESTIGATION OR THE PERSON'S FAMILY TO COOPERATE WITH THE INVESTIGATION OR
32 TO RECEIVE PROTECTIVE SERVICES OFFERED PURSUANT TO THE INVESTIGATION.

33 4. THAT THE WORKER HAS AUTHORITY TO PETITION THE JUVENILE COURT FOR A
34 DETERMINATION THAT A CHILD IS DEPENDENT.

35 5. THAT THE PERSON UNDER INVESTIGATION IS NOT REQUIRED TO ALLOW THE
36 WORKER TO ENTER THE DWELLING.

37 6. THAT THE PERSON UNDER INVESTIGATION HAS THE RIGHT TO PARTICIPATE IN
38 THE MEDIATION PROGRAM IN THE ATTORNEY GENERAL'S OFFICE, TO FILE A COMPLAINT
39 WITH THE OMBUDSMAN-CITIZENS AIDE PURSUANT TO SECTION 41-1376 AND TO APPEAL
40 DETERMINATIONS MADE BY CHILD PROTECTIVE SERVICES. THE WORKER MUST PROVIDE
41 THE PERSON WITH THE TELEPHONE NUMBERS OF THESE STATE AGENCIES.

42 B. THE WORKER MUST MAKE ALL REASONABLE EFFORTS TO INFORM THE PERSON
43 PURSUANT TO SUBSECTION A OF THIS SECTION BEFORE THE CHILD IS REMOVED FROM THE
44 HOME.

1 C. THE DEPARTMENT HAS THE BURDEN OF PROOF THAT THE WORKER INFORMED THE
2 PERSON AS PRESCRIBED PURSUANT TO SUBSECTION A OF THIS SECTION.

3 ~~B.~~ D. The child protective services worker shall also inform the
4 person about whom the report was made about that person's right to respond to
5 the allegations either verbally or in writing, including any documentation,
6 and to have this information considered in determining if the child is in
7 need of protective services. The worker shall ~~tell~~ INFORM the person that
8 anything the person says or writes can be used in a court proceeding. If the
9 person makes a verbal response, the worker shall include the response in the
10 written report of the investigation. If the person makes a written response,
11 including any documentation, the worker shall include this response and the
12 documentation in the case file. Information provided in response to the
13 allegations shall be considered during the investigation by the worker. The
14 worker shall maintain the response and documentation in the case file and
15 provide this information to the court before a hearing or trial relating to
16 the dependency petition.

17 ~~C.~~ D. If the family declines to cooperate with the investigation or
18 to accept or to participate in the offered services, or if the worker
19 otherwise believes that the child should be adjudicated dependent, the worker
20 may file with the juvenile court a petition requesting that the child in need
21 of protective services be adjudicated dependent.

22 ~~D.~~ E. Refusal to cooperate in the investigation or to participate in
23 the offered services does not constitute grounds for temporary custody of a
24 child except if there is a clear necessity for temporary custody as provided
25 in section 8-821.

26 Sec. 2. Section 8-807, Arizona Revised Statutes, is amended to read:

27 8-807. CPS information; public record; use; confidentiality;
28 violation; classification; definitions

29 A. CPS information shall be maintained by the department as required
30 by federal law as a condition of the allocation of federal monies to this
31 state. All exceptions for the public release of CPS information shall be
32 construed as openly as possible under federal law.

33 B. If there is a reasonable need for the CPS information, the
34 department, or a person who receives CPS information pursuant to this
35 subsection, shall provide CPS information to a federal agency, a state
36 agency, a tribal agency, a county or municipal agency, a county attorney, a
37 school, a community service provider, a contract service provider or any
38 other person that is providing services pursuant to this chapter:

39 1. To meet its duties to provide for the safety, permanency and
40 well-being of a child, provide services to a parent, guardian or custodian or
41 provide services to family members to strengthen the family pursuant to this
42 chapter.

43 2. To enforce or prosecute any violation involving child abuse or
44 neglect, including provision of the CPS information to a defendant after a
45 criminal charge has been filed.

1 C. The department shall disclose CPS information to a court, a party
2 in a dependency or termination of parental rights proceeding or the party's
3 attorney, the foster care review board or a court appointed special advocate
4 for the purposes of and as prescribed in this title.

5 D. The department shall disclose CPS information to a domestic
6 relations, family or conciliation court if the CPS information is necessary
7 to promote the safety and well-being of children. The court shall notify the
8 parties that it has received the CPS information.

9 E. A person or agent of a person who is the subject of CPS information
10 shall have access to CPS information concerning that person.

11 F. The department:

12 1. May provide CPS information to confirm, clarify or correct
13 information concerning an allegation or actual instance of child abuse or
14 neglect that has been made public by sources outside the department.

15 2. May provide and, on request, shall provide summary information
16 regarding a fatality or near fatality caused by abuse or neglect.

17 3. May provide CPS information to a person who is conducting bona fide
18 research, the results of which might provide CPS information that is
19 beneficial in improving child protective services.

20 4. May provide access to CPS information to the parent, guardian or
21 custodian of a child if the CPS information is reasonably necessary to
22 promote the safety, permanency and well-being of the child.

23 G. Access to CPS information in the central registry shall be provided
24 as prescribed in section 8-804.

25 H. To provide oversight of child protective services, the department
26 shall provide access to CPS information to the following persons, if the CPS
27 information is reasonably necessary for the person to perform the person's
28 official duties:

29 1. Federal or state auditors.

30 2. Persons conducting any accreditation deemed necessary by the
31 department.

32 3. A standing committee of the legislature or a committee appointed by
33 the president of the senate or the speaker of the house of representatives
34 for purposes of conducting investigations related to the legislative
35 oversight of the department of economic security. This information shall not
36 be further disclosed.

37 4. A legislator who is responsible for oversight of the enabling or
38 appropriating legislation to carry out these functions. This information
39 shall not be further disclosed. To request a file pursuant to this
40 paragraph:

41 (a) The legislator shall submit a written request for CPS information
42 to the presiding officer of the body of which the state legislator is a
43 member. The request shall state the name of the person whose case file is to
44 be reviewed and any other information that will assist the department in

1 locating the file. The request shall also include the office of the
2 department at which the legislator wants to review the file.

3 (b) The presiding officer shall forward the request to the department
4 within five working days of the receipt of the request.

5 (c) The department shall make the necessary arrangements for the
6 legislator to review the file at an office of the department, chosen by the
7 legislator, within ten working days.

8 (d) The legislator shall sign a form, before reviewing the file, that
9 outlines the confidentiality laws governing child protective services files
10 and penalties for further release of the information.

11 5. A citizen review panel as prescribed by federal law, a child
12 fatality review team as provided in title 36, chapter 35 and the office of
13 ~~ombudsman-citizen's~~ OMBUDSMAN-CITIZENS aide.

14 6. THE FAMILY ADVOCACY COUNCIL AND THE STAFF OF THE FAMILY ADVOCACY
15 OFFICE. THIS INFORMATION SHALL NOT BE FURTHER DISCLOSED.

16 I. A person who is not specifically authorized by this section to
17 obtain CPS information may petition a judge of the superior court to order
18 the department to release that CPS information. The court shall balance the
19 rights of the parties entitled to confidentiality pursuant to this section
20 against the rights of the parties seeking release of the CPS information.
21 The court may release otherwise confidential CPS information only if the
22 rights of the parties seeking the CPS information and any benefits from
23 releasing the CPS information sought outweigh the rights of the parties
24 entitled to confidentiality and any harm that may result from releasing the
25 CPS information sought.

26 J. Except as provided in subsection K of this section, before it
27 releases records under this section, the department shall take whatever
28 precautions it determines are reasonably necessary to protect the identity
29 and safety of a person who reports child abuse or neglect and to protect any
30 other person if the department believes that disclosure of the CPS
31 information would be likely to endanger the life or safety of the person.
32 The department is not required by this section to disclose CPS information if
33 the disclosure would compromise the integrity of a child protective services
34 or criminal investigation.

35 K. A person who is the subject of an unfounded report or complaint
36 made pursuant to this chapter and who believes that the report or complaint
37 was made in bad faith or with malicious intent may petition a judge of the
38 superior court to order the department to release the CPS information. The
39 petition shall specifically set forth reasons supporting the person's belief
40 that the report or complaint was made in bad faith or with malicious intent.
41 The court shall review the CPS information in camera and the person filing
42 the petition shall be allowed to present evidence in support of the petition.
43 If the court determines that there is a reasonable question of fact as to
44 whether the report or complaint was made in bad faith or with malicious
45 intent and that disclosure of the identity of the person making the report or

1 complaint would not be likely to endanger the life or safety of the person
2 making the report or complaint, it shall provide a copy of the CPS
3 information to the person filing the petition and the original CPS
4 information is subject to discovery in a subsequent civil action regarding
5 the making of the report or complaint.

6 L. The department shall provide the person who conducts a forensic
7 medical evaluation with any records the person requests, including social
8 history and family history regarding the child, the child's siblings and the
9 child's parents or guardians.

10 M. The department shall provide CPS information on request to a
11 prospective adoptive parent, foster parent or guardian, if the information
12 concerns a child the prospective adoptive parent, foster parent or guardian
13 seeks to adopt or provide care for.

14 N. If the department receives information that is confidential by law,
15 the department shall maintain the confidentiality of the information as
16 prescribed in the applicable law.

17 O. A person may authorize the release of CPS information about the
18 person but may not waive the confidentiality of CPS information concerning
19 any other person.

20 P. The department may provide a summary of the outcome of a child
21 protective services investigation to the person who reported the suspected
22 child abuse or neglect.

23 Q. The department shall adopt rules to facilitate the accessibility of
24 CPS information.

25 R. The department may charge a fee for copying costs required to
26 prepare CPS information for release pursuant to this section.

27 S. A person who violates this section is guilty of a class 2
28 misdemeanor.

29 T. For the purposes of this section:

30 1. "CPS information" includes all information the department gathers
31 during the course of a child protective services investigation conducted
32 under this chapter from the time a file is opened and until it is
33 closed. CPS information does not include information that is contained in
34 child welfare agency licensing records.

35 2. "Near fatality" means an act that, as certified by a physician,
36 places a child in serious or critical condition.

37 Sec. 3. Section 8-822, Arizona Revised Statutes, is amended to read:

38 8-822. Removal of child from home; review; review teams

39 The department shall adopt rules and establish clear policies and
40 procedures, where appropriate, to:

41 1. Determine the circumstances under which it is appropriate to remove
42 a child from the custody of the child's parents, guardian or custodian.

43 2. Ensure the immediate notification of the child's parents, guardian
44 or custodian regarding the removal of the child from home, school or child

1 care and the timely interview of the child and the child's parent, guardian
2 or custodian.

3 3. Review each removal of a child that is expected to result in a
4 dependency petition to assess options other than continued out-of-home
5 placement including in-home services to the family. ~~Such~~ THE reviews shall
6 be conducted before the dependency petition is filed. The review team shall
7 consist of a protective services worker, ~~a~~ OR THE worker's supervisor, BUT
8 NOT BOTH THE WORKER AND THE SUPERVISOR, and two members of the ~~local~~ foster
9 care review board. AT LEAST ONE FOSTER CARE REVIEW BOARD MEMBER SHALL BE
10 FROM THE DISTRICT WHERE THE CHILD WAS REMOVED. THE REVIEW TEAM SHALL NOT
11 MEET UNLESS TWO MEMBERS OF THE FOSTER CARE REVIEW BOARD ARE PRESENT. If the
12 child has a medical need or a chronic illness, the review team shall include
13 the child's physician. If all reasonable efforts to reach the child's
14 physician have been made and the physician is not available, the team shall
15 include a physician who is licensed pursuant to title 32, chapter 13 or 17
16 and who is familiar with children's health care. A child shall not be
17 removed unless a majority of the members of the review team agree that
18 removal is necessary. If a majority of the members of the review team do not
19 agree that removal is necessary, the child shall not be removed or, if the
20 child has already been removed, the child shall be returned to the home.

21 Sec. 4. Section 8-823, Arizona Revised Statutes, is amended to read:

22 8-823. Notice of taking into temporary custody

23 A. If a child is taken into temporary custody pursuant to this
24 article, the interested person, peace officer or child protective services
25 worker taking the child into custody shall provide written notice within six
26 hours to the parent or guardian of the child, unless:

27 1. The parent or guardian is present when the child is taken into
28 custody, then written and verbal notice shall be provided immediately.

29 2. The residence of the parent or guardian is outside this state and
30 notice cannot be provided within six hours, then written notice shall be
31 provided within twenty-four hours.

32 3. The residence of the parent or guardian is not ascertainable, then
33 reasonable efforts shall be made to locate and notify the parent or guardian
34 of the child as soon as possible.

35 B. The written notice shall contain a signature line for the parent or
36 guardian to acknowledge receipt of both written and verbal notices. The
37 written and verbal notices shall contain the name of the person and agency
38 taking the child into custody, the location from which the child was taken
39 and all of the following information:

40 1. Specific reasons as to why the child is being removed. The notice
41 shall list the specific factors that caused the determination of imminent
42 danger.

43 2. Services that are available to the parent or guardian, including a
44 statement of parental rights and information on how to contact the

1 ~~ombudsman-citizen's-aide~~ OMBUDSMAN-CITIZENS AIDE'S office and an explanation
2 of the services that office offers.

3 3. The date and time of the taking into custody.

4 4. The name and telephone number of the agency responsible for the
5 child.

6 5. A statement of the reasons for temporary custody of the child.

7 6. A statement that the child must be returned within seventy-two
8 hours, excluding Saturdays, Sundays and OTHER LEGAL holidays, unless a
9 dependency petition is filed and a statement that a child in temporary
10 custody for examination pursuant to section 8-821, subsection B, paragraph 2
11 must be returned within twelve hours unless abuse or neglect is diagnosed.

12 7. One of the following:

13 (a) If a dependency petition has not been filed or if the information
14 prescribed in subdivision (b) is not available, a statement that if a
15 dependency petition is filed, the parent or guardian will be provided a
16 written notice no later than twenty-four hours after the petition is filed
17 that contains the information prescribed in subdivision (b).

18 (b) In all other cases, the date, time and place of the preliminary
19 protective hearing to be held pursuant to section 8-824 and the requirements
20 of subsection D of this section.

21 8. A statement of the right of the parent or guardian to counsel and
22 that counsel will be appointed pursuant to section 8-221 through the juvenile
23 court if a dependency petition is filed and the person is indigent.

24 9. Information regarding the ability of the person about whom the
25 report was made to provide a verbal, telephonic or written response to the
26 allegations. A verbal response shall be included in the written report of
27 the investigation. A written response, including any documentation, shall be
28 included in the case file. The response shall be provided to the removal
29 review team if the response is made before the team considers the removal.

30 10. A statement that the hearing may result in further proceedings to
31 terminate parental rights.

32 11. INFORMATION THAT A REMOVAL REVIEW TEAM WILL BE MEETING TO REVIEW
33 THE REMOVAL PURSUANT TO SECTION 8-822 AND THE DATE AND TIME THAT MEETING WILL
34 TAKE PLACE.

35 C. The protective services worker shall provide the parent or guardian
36 with the notice even if the parent or guardian refuses to sign the
37 acknowledgment.

38 D. Immediately before the time of the preliminary protective hearing,
39 the persons described in section 8-824, subsection B shall meet and attempt
40 to reach an agreement about placement of the child, services to be provided
41 to the child, parent or guardian and visitation of the child. The parties
42 shall meet with their counsel, if any, before this meeting. Consideration
43 shall be given to the availability of reasonable services to the parent or
44 guardian and the child's health and safety shall be a paramount concern. The

1 persons described in section 8-824, subsection C may attend the meeting to
2 reach an agreement.

3 E. If a dependency petition is filed by the department, the child
4 protective services worker is responsible for delivering the notice of the
5 preliminary protective hearing prescribed in subsection B, paragraph 7 of
6 this section to the parent or guardian. In all other cases, the person who
7 files the dependency petition is responsible for delivery of this notice to
8 the parent or guardian. If the location of the parent or guardian is
9 unknown, the person who is responsible for serving this notice shall make
10 reasonable efforts to locate and notify the parent or guardian.

11 Sec. 5. Section 8-537, Arizona Revised Statutes, as amended by Laws
12 2003, second special session, chapter 6, section 9, is amended to read:

13 8-537. Termination adjudication hearing

14 A. If a petition for terminating the parent-child relationship is
15 contested, the court shall hold a termination adjudication hearing. The
16 general public shall be excluded and only ~~such~~ persons ~~admitted~~ whose
17 presence the judge finds to have a direct interest in the case or the work of
18 the court **SHALL BE ADMITTED**, provided that ~~such~~ **THE** person ~~so~~ admitted shall
19 not disclose any information secured at the hearing. The court may require
20 the presence of any parties and witnesses it deems necessary to the
21 disposition of the petition, except that a parent who has executed a waiver
22 pursuant to section 8-535, or has relinquished the parent's rights to the
23 child shall not be required to appear at the hearing.

24 B. The court's or jury's findings with respect to grounds for
25 termination shall be based ~~upon clear and convincing~~ **ON** evidence **BEYOND A**
26 **REASONABLE DOUBT** under the rules applicable and adhering to the trial of
27 civil causes. The court or jury may consider any and all reports required by
28 this article or ordered by the court pursuant to this article and such
29 reports are admissible in evidence without objection.

30 C. If a parent does not appear at the pretrial conference, status
31 conference or termination adjudication hearing, the court, after determining
32 that the parent has been instructed as provided in section 8-535, may find
33 that the parent has waived the parent's legal rights and is deemed to have
34 admitted the allegations of the petition by the failure to appear. The court
35 may terminate the parent-child relationship as to a parent who does not
36 appear based on the record and evidence presented as provided in rules
37 prescribed by the supreme court.

38 Sec. 6. Section 8-537, Arizona Revised Statutes, as amended by Laws
39 2003, second special session, chapter 6, section 10, is amended to read:

40 8-537. Termination adjudication hearing

41 A. If a petition for terminating the parent-child relationship is
42 contested, the court shall hold a termination adjudication hearing. The
43 general public shall be excluded and only ~~such~~ persons ~~admitted~~ whose
44 presence the judge finds to have a direct interest in the case or the work of
45 the court **SHALL BE ADMITTED**, provided that ~~such~~ **THE** person ~~so~~ admitted shall

1 not disclose any information secured at the hearing. The court may require
2 the presence of any parties and witnesses it deems necessary to the
3 disposition of the petition, except that a parent who has executed a waiver
4 pursuant to section 8-535, or has relinquished the parent's rights to the
5 child shall not be required to appear at the hearing.

6 B. The court's findings with respect to grounds for termination shall
7 be based ~~upon clear and convincing~~ ON evidence BEYOND A REASONABLE DOUBT
8 under the rules applicable and adhering to the trial of civil causes. The
9 court may consider any and all reports required by this article or ordered by
10 the court pursuant to this article and ~~such~~ THESE reports are admissible in
11 evidence without objection.

12 C. If a parent does not appear at the pretrial conference, status
13 conference or termination adjudication hearing, the court, after determining
14 that the parent has been instructed as provided in section 8-535, may find
15 that the parent has waived the parent's legal rights and is deemed to have
16 admitted the allegations of the petition by the failure to appear. The court
17 may terminate the parent-child relationship as to a parent who does not
18 appear based on the record and evidence presented as provided in rules
19 prescribed by the supreme court.

20 Sec. 7. Section 8-844, Arizona Revised Statutes, is amended to read:

21 8-844. Dependency adjudication hearing; settlement conference
22 or mediation

23 A. Before a contested dependency case proceeds to adjudication, the
24 court shall hold a settlement conference or pretrial conference or shall
25 order mediation. All of the parties in the contested action shall
26 participate in the conference or mediation.

27 B. The court shall take into consideration as a mitigating factor the
28 availability of reasonable services to the parent or guardian to prevent or
29 eliminate the need for removal of the child and the effort of the parent or
30 guardian to obtain and participate in these services.

31 C. If, at the dependency adjudication hearing, the court:

32 1. Finds by ~~a preponderance of the~~ CLEAR AND CONVINCING evidence that
33 the allegations contained in the petition are true, the court shall:

34 (a) Make the following findings as to each parent:

35 (i) That the court has jurisdiction over the subject matter and the
36 person before the court.

37 (ii) The factual basis for the dependency.

38 (iii) That the child is dependent.

39 (b) Conduct a disposition hearing.

40 2. Does not find by ~~a preponderance of the~~ CLEAR AND CONVINCING
41 evidence that the allegations contained in the petition are true, the court
42 shall dismiss the petition.

43 D. The court may adjudicate a child dependent as to one parent or
44 guardian and proceed with a disposition, review or permanency hearing or any
45 other hearing as to that particular parent or guardian notwithstanding

1 another parent's or guardian's request to contest the allegations in the
2 petition or that another parent or guardian has not been served.

3 E. The court may hold the disposition hearing on the same date as the
4 dependency adjudication hearing or at a later date that is not more than
5 thirty days after the date of the dependency adjudication hearing.

6 F. If a parent does not appear at the pretrial conference, settlement
7 conference or dependency adjudication hearing, the court, after determining
8 that the parent has been instructed as provided in section 8-826, may find
9 that the parent has waived the parent's legal rights and is deemed to have
10 admitted the allegations of the petition by the failure to appear. The court
11 may make a determination of dependency and disposition based on the record
12 and evidence presented as provided in rules prescribed by the supreme court.

13 Sec. 8. Title 8, chapter 10, Arizona Revised Statutes, is amended by
14 adding article 8, to read:

15 ARTICLE 8. FAMILY ADVOCACY COUNCIL AND OFFICE

16 8-901. Family advocacy council

17 A. THE FAMILY ADVOCACY COUNCIL IS ESTABLISHED CONSISTING OF THE
18 FOLLOWING MEMBERS:

19 1. ONE MEMBER OF THE HOUSE OF REPRESENTATIVES WHO IS APPOINTED BY THE
20 SPEAKER OF THE HOUSE OF REPRESENTATIVES. THIS MEMBER IS A NONVOTING ADVISORY
21 MEMBER WHOSE PRESENCE IS NOT COUNTED FOR THE PURPOSE OF DETERMINING A QUORUM.

22 2. ONE MEMBER OF THE SENATE WHO IS APPOINTED BY THE PRESIDENT OF THE
23 SENATE. THIS MEMBER IS A NONVOTING ADVISORY MEMBER WHOSE PRESENCE IS NOT
24 COUNTED FOR THE PURPOSE OF DETERMINING A QUORUM.

25 3. ONE FAMILY LAW JUDGE WHO IS APPOINTED BY THE CHIEF JUSTICE OF THE
26 SUPREME COURT.

27 4. ONE PERSON WHO IS EMPLOYED BY THE DIVISION OF CHILDREN, YOUTH AND
28 FAMILIES IN THE DEPARTMENT OF ECONOMIC SECURITY AND WHO IS APPOINTED BY THE
29 DIRECTOR OF THE DEPARTMENT OF ECONOMIC SECURITY.

30 5. ONE PERSON WHO SERVES AS A COURT APPOINTED SPECIAL ADVOCATE AND WHO
31 IS APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT.

32 6. ONE PERSON WHO SERVES ON THE STATE FOSTER CARE REVIEW BOARD AND WHO
33 IS APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT.

34 7. ONE ATTORNEY WHO SPECIALIZES IN FAMILY LAW AND WHO IS APPOINTED BY
35 THE PRESIDENT OF THE SENATE.

36 8. ONE PERSON WHO IS CURRENTLY A FOSTER PARENT AND WHO IS APPOINTED BY
37 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

38 9. ONE PERSON WHO WAS A FOSTER CHILD AND WHO IS APPOINTED BY THE
39 GOVERNOR.

40 10. ONE PARENT WHOSE PARENTAL RIGHTS HAVE BEEN SEVERED AND WHO IS
41 APPOINTED BY THE GOVERNOR.

42 11. ONE PARENT WHO HAS BEEN REUNITED WITH A CHILD THAT WAS REMOVED FROM
43 THE HOME AND WHO IS APPOINTED BY THE GOVERNOR.

1 B. MEMBERS OF THE FAMILY ADVOCACY COUNCIL ARE NOT ELIGIBLE TO RECEIVE
2 COMPENSATION BUT PUBLIC MEMBERS APPOINTED PURSUANT TO SUBSECTION A,
3 PARAGRAPHS 4 THROUGH 11 ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT
4 TO TITLE 38, CHAPTER 4, ARTICLE 2.

5 C. MEMBERS OF THE FAMILY ADVOCACY COUNCIL SERVE AT THE PLEASURE OF THE
6 PERSON WHO IS RESPONSIBLE FOR MAKING THE APPOINTMENT.

7 D. THE COUNCIL SHALL:

8 1. SELECT A CHAIRPERSON FROM ITS VOTING MEMBERSHIP EACH YEAR AT ITS
9 FIRST MEETING.

10 2. MEET AT LEAST FOUR TIMES EACH YEAR AND AT THE CALL OF THE
11 CHAIRPERSON.

12 3. SERVE AS A RESOURCE TO FAMILIES AFFECTED BY ACTIONS TAKEN BY CHILD
13 PROTECTIVE SERVICES.

14 4. REVIEW CHILD PROTECTIVE SERVICES CASES AND FILES ON THEIR OWN
15 MOTION OR ON REQUEST OF ANY LEGISLATOR.

16 5. ADVOCATE ON BEHALF OF ANY PARENT THE COUNCIL BELIEVES IS IN NEED OF
17 ADVOCACY.

18 6. ON OR BEFORE DECEMBER 1, SUBMIT AN ANNUAL REPORT OF ACTIONS AND ANY
19 RECOMMENDATIONS FOR IMPROVEMENTS TO THE CHILD PROTECTIVE SERVICES SYSTEM TO
20 THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
21 REPRESENTATIVES AND PROVIDE A COPY OF EACH REPORT TO THE SECRETARY OF STATE
22 AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

23 E. COUNCIL MEMBERS MAY EXCUSE THEMSELVES FROM PARTICIPATING IN
24 ADVOCACY ACTIVITIES.

25 F. COUNCIL MEMBERS ARE NOT SUBJECT TO CRIMINAL OR CIVIL LIABILITY FOR
26 GOOD FAITH ACTIONS TAKEN IN CONNECTION WITH THEIR RESPONSIBILITIES.

27 8-902. Family advocacy office

28 A. THE FAMILY ADVOCACY OFFICE IS ESTABLISHED. THE OFFICE SHALL:

29 1. OFFER STAFF SUPPORT TO THE FAMILY ADVOCACY COUNCIL.

30 2. ASSIST THE FAMILY ADVOCACY COUNCIL IN CONDUCTING RESEARCH AND
31 COLLECTING DATA RELATING TO THE CHILD PROTECTIVE SERVICES SYSTEM.

32 3. PROVIDE OTHER NECESSARY SERVICES TO THE FAMILY ADVOCACY COUNCIL.

33 B. THE FAMILY ADVOCACY COUNCIL SHALL APPOINT AN EXECUTIVE DIRECTOR OF
34 THE FAMILY ADVOCACY OFFICE WHO SERVES AT THE PLEASURE OF THE COUNCIL. THE
35 EXECUTIVE DIRECTOR:

36 1. IS ELIGIBLE TO RECEIVE COMPENSATION SET BY THE FAMILY ADVOCACY
37 COUNCIL WITHIN THE RANGE DETERMINED UNDER SECTION 38-611.

38 2. MAY EMPLOY AND TERMINATE EMPLOYEES, OR CONTRACT FOR SPECIAL
39 SERVICES, AS NECESSARY TO CARRY OUT THE RESPONSIBILITIES OF THE OFFICE AND
40 COUNCIL.

41 3. PREPARE MINUTES, RECORDS, REPORTS AND RECORD ALL COUNCIL ACTIONS.

42 4. ENTER INTO CONTRACTS PURSUANT TO TITLE 41, CHAPTER 23 TO PROCURE
43 GOODS AND SERVICES THAT ARE NECESSARY TO CARRY OUT COUNCIL AND OFFICE DUTIES,
44 POLICIES AND DIRECTIONS.

